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**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation)	No. 06-95-55979
Against:)	
)	DEFAULT DECISION
SYED IQBAL HUSSAIN SHAHID, M.D.)	
P.O. Box 1596)	(Gov. Code, § 11520)
Lomita, California 90717)	
)	
Physician's and Surgeon's)	
Certificate No. A29997)	
Physician Assistant Supervisor)	
Approval No. SA 18583)	
)	
Respondent.)	

FINDINGS OF FACT

1. On August 22, 1996, Complainant Ron Joseph, in his official capacity as Executive Director of the Medical Board of California (hereinafter referred to as "the Board"), filed an Accusation against Syed Iqbal Hussain Shahid, M.D. (hereinafter referred to as "respondent"), in Case No. 06-95-55979.

2. On March 12, 1976, the Board issued Physician's and Surgeon's Certificate No. A29997 to respondent. At all times relevant herein, that license has been valid until it expired on

1 May 31, 1997. On October 1, 1990, the Physician Assistant
2 Examining Committee issued Physician Assistant Supervisor
3 Approval No. SA 18583 to respondent. His supervisor's approval
4 expired on May 31, 1993, and has not been renewed.

5 3. On August 22, 1996, Vicky Boone, an employee of the
6 Board, served by certified mail on respondent a copy of the
7 Accusation in Case No. 06-95-55979, Statement to Respondent,
8 Request for Discovery, Notice of Defense forms, and Government
9 Code sections 11507.5, 11507.6, and 11507.7 (hereinafter referred
10 to as the "Accusation packet"). That Accusation packet was sent
11 to respondent's address of record with the Board, which was as
12 follows: P.O. Box 1596, Lomita, California 90717. On October
13 17, 1996, Vicky Boone, served by regular mail another Accusation
14 packet on respondent at that same address of record for him. A
15 copy of the Accusation, the packet of accompanying documents,
16 declarations of service by mail are attached hereto as "**Exhibit**
17 **1**" and incorporated herein by reference.

18 4. On September 22, 1996, the Accusation packet that
19 was sent by certified mail to respondent was returned to the
20 Board by the United States Postal Service marked "Returned to
21 Sender - Unclaimed". The Accusation packet sent by regular mail
22 was returned to the Board around November 1996, by the United
23 States Postal Service marked "Return to Sender - Box Closed -
24 Unable to Forward". A copy of the envelopes to those accusation
25 packets and the unsigned return receipt are attached hereto as
26 "**Exhibit 2**" and incorporated herein by reference.)

27 5. The above-described service of the Accusation on

1 respondent was effective as a matter of law pursuant to the
2 provisions of California Government Code section 11505,
3 subdivision (c).

4 6. Business and Professions Code section 118 provides,
5 in pertinent part, as follows:

6 ". . .

7 "(b) The suspension, expiration, or forfeiture by
8 operation of law of a license issued by a board in the
9 department, or its suspension, forfeiture, or
10 cancellation by order of the board or by order of a
11 court of law, or its surrender without the written
12 consent of the board, shall not, during any period in
13 which it may be renewed, restored, reissued, or
14 reinstated, deprive the board of its authority to
15 institute or continue a disciplinary proceeding against
16 the licensee upon any ground provided by law or to
17 enter an order suspending or revoking the license or
18 otherwise taking disciplinary action against the
19 license on any such ground.

20 "(c) As used in this section, 'board' includes an
21 individual who is authorized by any provision of this
22 code to issue, suspend, or revoke a license, and
23 'license' includes 'certificate', 'registration', and
24 'permit.'"

25 7. Government Code section 11506, subdivision (c)
26 provides, in pertinent part, as follows:

27 "The respondent shall be entitled to a hearing on the

1 merits if the respondent files a notice of defense, and
2 the notice shall be deemed a specific denial of all
3 parts of the accusation not expressly admitted.
4 Failure to file a notice of defense shall constitute a
5 waiver of respondent's right to a hearing, but the
6 agency in its discretion may nevertheless grant a
7 hearing. . . ."

8 8. Respondent failed to file a Notice of Defense
9 within fifteen (15) days after service of the Accusation upon
10 him, and therefore, waived his right to a hearing on the merits
11 of Accusation in Case No. 06-95-55979.

12 9. Government Code section 11520, subdivision (a)
13 provides as follows:

14 "If the respondent either fails to file a notice of
15 defense or to appear at the hearing, the agency may
16 take action based upon the respondent's express
17 admissions or upon other evidence and affidavits may be
18 used as evidence without any notice to respondent; and
19 where the burden of proof is on the respondent to
20 establish that he is entitled to the agency action
21 sought, the agency may act without taking evidence."

22 10. Pursuant to the authority of the Division of
23 Medical Quality (hereinafter referred to as "the Division") of
24 the Medical Board of California under Government Code section
25 11520, the Division finds that respondent is in default and that
26 he has waived his right to a hearing to contest the allegations
27 in the Accusation in Case No. 06-95-55979. The Division will

1 take action without further hearing, and based on the
2 respondent's admissions by way of default, finds that each and
3 every allegation contained in the Accusation in Case No. 06-95-
4 55979 is true.

5
6 **DETERMINATION OF ISSUES**

7 1. Respondent Syed Iqbal Hussain Shahid, M.D. has
8 subjected his physician's and surgeon's license and physician
9 assistant supervisor approval to disciplinary action pursuant to
10 sections 726 (sexual abuse or misconduct), 729 (sexual
11 exploitation), 2234 (unprofessional conduct), and 2234,
12 subdivisions (b) (gross negligence) and (e) (commission of
13 dishonest or corrupt act) of the Code by reason of the Findings
14 of Fact Nos. 1 through 10 as set forth above.

15 2. Service of the Accusation and related documents
16 was proper and in accordance with the law.

17 3. The Division has jurisdiction to adjudicate this
18 matter by default.

1 **ORDER**

2 **IT IS ORDERED** that Physician's and Surgeon's
3 Certificate No. A29997 and Physician Assistant Supervisor
4 Approval No. SA 18583 heretofore issued to Respondent Syed Iqbal
5 Hussain Shahid, M.D. are hereby revoked.

6 Pursuant to Government Code section 11520, subdivision
7 (c), respondent may serve on the Division of Medical Quality a
8 written motion requesting that the decision be vacated and
9 stating the grounds relied on within seven (7) days after service
10 on the respondent of this decision.

11 This Decision shall become effective on
12 January 29, 1998

13 **IT IS SO ORDERED** on December 30, 1997.

14 MEDICAL BOARD OF CALIFORNIA
15 DIVISION OF MEDICAL QUALITY

16
17 By: Anabel Imbert
18 ANABEL ANDERSON IMBERT, M.D.
19 Chair, Panel B
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8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation) No. 06-95-55979
13 Against:)
14) **A C C U S A T I O N**
15 **SYED IQBAL HUSSAIN SHAHID, M.D.**)
16 P.O. Box 1596)
17 Lomita, California 90717)
18 Physician's and Surgeon's)
19 Certificate No. A29997)
20 Physician Assistant Supervisor)
21 Approval No. SA 18583)
22 Respondent.)
23

24 The Complainant alleges:

25 **PARTIES**

- 26 1. Complainant, Ron Joseph, is the Executive Director
27 of the Medical Board of California (hereinafter referred to as
"the Board"). Complainant brings this Accusation solely in his
official capacity as Executive Director of the Board.
2. On or about March 12, 1976, Physician's and
Surgeon's Certificate No. A29997 was issued by the Board to Syed

1 Iqbal Hussain Shahid, M.D. (hereinafter referred to as
2 "respondent"). At all times relevant to the charges brought
3 herein, this license has been valid and has an expiration date of
4 May 31, 1997.

5 3. On or about October 1, 1990, Physician Assistant
6 Supervisor Approval No. SA 18583 was issued by the Physician
7 Assistant Examining Committee to respondent. His supervisor's
8 approval expired on May 31, 1993, and has not been renewed.

9 JURISDICTION

10 4. This Accusation is brought before the Division of
11 Medical Quality (hereinafter referred to as "the Division"),
12 Medical Board of California, Department of Consumer Affairs,
13 State of California, under the authority of the following
14 sections of the California Business and Professions Code
15 (hereinafter referred to as "the Code"):

16 A. Section 2004 of the Code provides as follows:

17 "The Division of Medical Quality shall have the
18 responsibility for the following:

19 "(a) The enforcement of the disciplinary and
20 criminal provisions of the Medical Practice Act.

21 "(b) The administration and hearing of
22 disciplinary actions.

23 "(c) Carrying out disciplinary actions
24 appropriate to findings made by a medical quality
25 review committee, the division, or an administrative
26 law judge.

27 "(d) Suspending, revoking, or otherwise limiting

1 certificates after the conclusion of disciplinary
2 actions.

3 "(e) Reviewing the quality of medical practice
4 carried out by physician and surgeon certificate
5 holders under the jurisdiction of the board."

6 B. Section 2220 of the Code authorizes the
7 Division to take action against all physicians and
8 surgeons guilty of violating the provisions of the
9 Medical Practice Act (Bus. & Prof. Code, § 2000 et
10 seq.).

11 C. Section 2227, subdivision (a) of the Code
12 provides that "[a] licensee whose matter has been heard
13 by an administrative law judge of the Medical Quality
14 Hearing Panel as designated in Section 11371 of the
15 Government Code, or whose default has been entered, and
16 who is found guilty may, in accordance with the
17 provisions of this chapter:

18 "(1) Have his or her license revoked upon order
19 of the division.

20 "(2) Have his or her right to practice suspended
21 for a period not to exceed one year upon order of the
22 division.

23 "(3) Be placed on probation and be required to
24 pay the costs of probation monitoring upon order of the
25 division.

26 "(4) Be publicly reprimanded by the division.

27 "(5) Have any other action taken in relation to

1 discipline as the division or an administrative law
2 judge may deem proper."

3 D. Section 2234 of the Code provides that the
4 Division shall take action against any licensee who is
5 charged with unprofessional conduct. Such section
6 further provides in pertinent part that "unprofessional
7 conduct" includes, but is not limited to, the
8 following:

9 "(a) Violating or attempting to violate, directly
10 or indirectly, or assisting in or abetting the
11 violation of, or conspiring to violate, any provision
12 of this chapter.

13 "(b) Gross negligence.

14 "(c) Repeated negligent acts.

15 "(d) Incompetence.

16 "(e) The commission of any act involving
17 dishonesty or corruption which is substantially related
18 to the qualifications, functions, or duties of a
19 physician and surgeon. . . ."

20 E. Section 726 of the Code provides that "[t]he
21 commission of any act of sexual abuse, misconduct, or
22 relations with a patient, client or customer constitutes
23 unprofessional conduct and grounds for disciplinary action
24 for any person licensed under this division [i.e., Division
25 2 of the Code under which physicians and surgeons are
26 licensed], under any initiative act referred to in this
27 division and under Chapter 17 (commencing with Section 9000)

1 of Division 3."

2 F. Section 729, subdivisions (a) through (c) of
3 the Code^{1/} provide as follows:

4 "(a) Any physician and surgeon, psychotherapist,
5 or any person holding himself or herself out to be a
6 physician and surgeon or psychotherapist, who engages
7 in an act of sexual intercourse, sodomy, oral
8 copulation, or sexual contact with a patient or client,
9 or with a former patient or client when the
10 relationship was terminated primarily for the purpose
11 of engaging in those acts, unless the physician and
12 surgeon or psychotherapist has referred the patient or
13 client to an independent and objective physician and
14 surgeon or psychotherapist, recommended by a third-
15 party physician and surgeon or psychotherapist, for
16 treatment, is guilty of sexual exploitation by a
17 physician and surgeon or psychotherapist.

18 "(b) Sexual exploitation by a physician and
19 surgeon or psychotherapist is a public offense:

20 "(1) An act in violation of subdivision
21 (a) shall be punishable by imprisonment in a
22 county jail for a period of not more than six

23
24 1. In 1995, the Legislature amended section 729 of the
25 Code to insert ", or alcohol and drug abuse counselor" throughout
26 the section; substituted in subdivisions (b) (1) to (b) (4),
27 relating to penalties for violation of subdivision (a), "or by
both that imprisonment and fine" for "or both"; inserted
subdivision (c) (2), defining alcohol and drug abuse counselor;
and redesignated as subdivisions (c) (3) and (c) (4) former
subdivisions (c) (2) and (c) (3), defining sexual contact and
intimate part. (Stats. 1995, c. 444 (S.B. 685), § 1.)

1 months, or a fine not exceeding one thousand
2 dollars (\$1,000) or both. . . .

3 "For purposes of subdivision (a), in no instance
4 shall consent of the patient or client be a defense.
5 However, physicians and surgeons shall not be guilty of
6 sexual exploitation for touching any intimate part of a
7 patient or client unless the touching is outside the
8 scope of medical examination and treatment, or the
9 touching is done for sexual gratification.

10 "(c) For purposes of this section:

11 "(1) 'Psychotherapist' has the same
12 meaning as defined in Section 728.

13 "(2) 'Sexual contact' means sexual
14 intercourse or the touching of an intimate
15 part of a patient for the purpose of sexual
16 arousal, gratification, or abuse.

17 "(3) 'Intimate part' and 'touching'
18 have the same meanings as defined in Section
19 243.4 of the Penal Code."

20 G. "Psychotherapist" as defined under section 728
21 of the Code means "a physician and surgeon specializing
22 in the practice of psychiatry or practicing
23 psychotherapy, a psychologist, a clinical social
24 worker, a marriage, family, and child counselor, a
25 psychological assistant, marriage, family, and child
26 counselor registered intern or trainee, or associate
27 clinical social worker."

1 H. "Intimate part" as defined under section 243.4
2 of the Penal Code means "the sexual organ, anus, groin,
3 or buttocks of any person, and the breast of a female."

4 I. "Touching" as defined under section 243.4 of
5 the Penal Code means "physical contact with another
6 person, whether accomplished directly, through the
7 clothing of the person committing the offense, or
8 through the clothing of the victim."

9 J. Section 118 of the Code provides in pertinent part
10 as follows:

11 "(b) The suspension, expiration, or forfeiture by
12 operation of law of a license issued by a board in the
13 department, or its suspension, forfeiture, or
14 cancellation by order of the board or by order of a
15 court of law, or its surrender without the written
16 consent of the board, shall not, during any period in
17 which it may be renewed, restored, reissued, or
18 reinstated, deprive the board of its authority to
19 institute or continue a disciplinary proceeding against
20 the licensee upon any ground provided by law or to
21 enter an order suspending or revoking the license or
22 otherwise taking disciplinary action against the
23 licensee on any such ground.

24 "(c) As used in this section, "board" includes an
25 individual who is authorized by any provision of this
26 code to issue, suspend, or revoke a license, and
27 'license' includes 'certificate,' 'registration,' and

1 'permit.'"

2 K. Section 125.3 provides, in pertinent part, that the
3 Board may request the administrative law judge to direct any
4 licensee found to have committed a violation or violations
5 of the licensing act, to pay the Board a sum not to exceed
6 the reasonable costs of the investigation and enforcement of
7 the case.

8 **FIRST CAUSE OF ACTION**

9 **(Sexual Abuse or Misconduct)**

10 5. Respondent is subject to disciplinary action for
11 engaging in unprofessional conduct in violation of sections 726
12 and 2234 of the Code by having committed acts of sexual abuse,
13 misconduct, or relations with Patient S.L.^{2/} The circumstances
14 are as follows:

15 A. Around May 1995, Patient S.L. commenced her
16 permanent employment for respondent at Holy Family
17 Medical Clinic in Inglewood, California. Her duties at
18 that clinic included back office work, taking histories
19 of patients, billing, and answering the telephone.
20 Prior to that time, Patient S.L. completed a two-week
21 internship at that clinic.

22 B. On or about July 11, 1995, while working at
23 Holy Family Medical Clinic, Patient S.L. felt sick.
24 She had a fever and headache and was experiencing a lot
25

26 2. All patient references in this pleading are by
27 initials only. The name of the patient shall be revealed to
respondent upon his request for discovery pursuant to Government
Code section 11507.6.

1 of chest pain. Since Respondent had previously
2 indicated to Patient S.L. that she could always come to
3 him if she ever had any problems, she consulted with
4 respondent regarding her symptoms. Respondent, who has
5 been involved in family practice, neurology and
6 psychiatry, then had her lie down on the examination
7 table to examine her and to determine the cause of her
8 chest pain.

9 C. While Patient S.L. was lying down on the
10 examination table, respondent pulled her shirt up over her
11 breasts and began palpating around her breasts. He then
12 pulled her bra over her breasts.

13 D. Respondent next grabbed one of Patient S.L.'s
14 breasts, put his mouth against her breast, and began sucking
15 on her breast while he was breathing very hard. Respondent
16 told Patient S.L. that this was part of the procedure and
17 that she should "just relax". He sucked on both of her
18 breasts.

19 E. Respondent also told Patient S.L. to put her arms
20 around him and to press him towards her. Respondent's
21 unprofessional and unwelcome conduct scared her and she
22 panicked. When she did not comply with such request,
23 respondent grabbed her arm and put it around him.

24 F. During this incident, Respondent was sweating so
25 much that his face, underarms and shirt were all wet.
26 Respondent said to Patient S.L., "We'll continue this
27 tomorrow".

1 G. The following day, Patient S.L. telephoned her
2 supervisor, who was the Office Manager at Holy Family
3 Medical Clinic, and informed her supervisor about
4 respondent's sexual attack of her during his medical
5 examination and treatment of her. Patient S.L. also
6 informed her supervisor that she would not be returning to
7 work there as a result of that incident.

8 H. Although Patient S.L. did not want to see
9 respondent again, respondent subsequently made various
10 efforts to contact Patient S.L.

11 **SECOND CAUSE OF ACTION**

12 **(Sexual Exploitation)**

13 6. Respondent is subject to disciplinary action for
14 sexual exploitation of a patient in violation of sections 729 and
15 2234 of the Code based upon the circumstances as alleged in
16 Paragraph 5 of this Accusation, which is incorporated herein by
17 reference.

18 Respondent's sexual contact with Patient S.L. was
19 outside the scope of medical examination and treatment or done
20 for sexual gratification.

21 **THIRD CAUSE OF ACTION**

22 **(Gross Negligence)**

23 7. Respondent is subject to disciplinary action for
24 having committed acts of gross negligence in violation of
25 section 2234, subdivision (b) of the Code by sexually touching
26 the breasts of a patient under the guise of providing medical
27 care and treatment, as alleged in Paragraphs 5 and 6 of

1 this Accusation, which are incorporated herein by reference.

2 **FOURTH CAUSE OF ACTION**

3 **(Commission of Dishonest or Corrupt Act)**

4 8. Respondent is subject to disciplinary action for
5 having engaged in a dishonest or corrupt act in violation of
6 section 2234, subdivision (e) of the Code based upon the
7 circumstances as alleged in Paragraphs 5 through 7 of this
8 Accusation, which are incorporated herein by reference.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held
11 in this matter and that following the hearing, the Division issue
12 a decision:

13 1. Revoking or suspending Physician's and Surgeon's
14 Certificate No. A29997 that was issued to respondent Syed Iqbal
15 Hussain Shahid, M.D.;

16 2. Revoking or suspending Physician Assistant
17 Supervisor Approval No. SA 18583 that was issued to respondent;

18 3. Ordering respondent to pay to the Division the
19 actual and reasonable costs of investigation and enforcement of
20 this case; and

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1 4. Taking such other and further action as the
2 Division deems necessary and proper.

3 DATED: August 22, 1996.

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RON JOSEPH
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

Complainant

August 22
J. L. Lane

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